

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF VERMONT

JAMES D. SULLIVAN, et al., individually and  
on behalf of Class of persons similarly situated,

Plaintiffs,

v.

SAINT-GOBAIN PERFORMANCE PLASTICS  
CORPORATION,

Defendant.

Civil Action

Docket No. 5:16-cv-00125-gwc

**MOTION FOR AN AWARD OF ATTORNEY'S FEES  
AND EXPENSES TO CLASS COUNSEL**

Plaintiffs, through Class Counsel, pursuant to Fed. R. Civ. P. 54(d)(2) and 23(h), move this Court for an award of reasonable attorney's fees and reimbursement of litigation expenses after over five years of litigation resulting in the Settlement Agreement which provides up to \$34.15 million in benefits to the Property Class and Exposure Class. Class Counsel seek an award of attorney's fees of \$5,100,000 to be paid from the \$26.2 million common fund for the Property Class Settlement and \$1,500,000 to be paid in addition to \$6 million fund for the Exposure Class Settlement Fund. Class Counsel also move this Court for reimbursement of litigation expenses in the amount of \$589,998 from the common fund for the Property Class Settlement and \$445,107 to be paid in addition to the \$6 million for the Exposure Class Settlement Fund. These fee requests represent approximately 19% of the total benefits recovered for the two Classes in the Settlement, well below the 25% "benchmark" applied by courts within the Second Circuit and amply supported by the *Goldberger* factors and the lodestar "cross check." The amount of these awards of fees and expenses are within the maximum amounts which Defendant Saint-Gobain

Performance Plastics Corporation (“Defendant” or “Saint-Gobain”) has agreed not to oppose in the Settlement Agreement [Doc. 461-2, ¶¶ III.11, IV.4].

A Memorandum and Declarations of Class Counsel support this Motion.

Respectfully submitted.

/s/ Gary A. Davis

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CLASS COUNSEL

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on January 12, 2022, a copy of the foregoing was filed electronically in the United States District Court for the District of Vermont. Notice of filing

will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt.

/s/ Gary A. Davis  
Attorney for Plaintiffs